

ENTERED

August 23, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|---------------------------|---|---------------------------|
| IN RE: | § | Case No. 22-60043 |
| | § | |
| FREE SPEECH SYSTEMS, LLC, | § | Chapter 11 (Subchapter V) |
| | § | |
| Debtor. | § | |

AMENDED STIPULATION AND AGREED ORDER

The above-captioned debtor and debtor-in-possession (the “Debtor”) and Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa, and Marcel Fontaine (the “Texas Plaintiffs”) and David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto Parisi, Carlos M. Soto, Jillian Soto-Marino, William Aldenberg, William Sherlach, and Robert Parker (the “Connecticut Plaintiffs”) (together the “Sandy Hook Families”) hereby enter into this stipulation and agreed order (the “Stipulation”) as follows:

WHEREAS, on July 29, 2022 (the “Petition Date”), the Debtor filed a voluntary petition for relief under subchapter v of chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”).

WHEREAS, on July 29, 2022, the Debtor filed its Emergency Motion for an Interim and Final Orders (I) Authorizing the Use of Cash Collateral Pursuant to Sections 105, 361, and 363 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 4001(B) and (II) Granting Adequate Protection to the Pre-Petition Secured Lender (the “Cash Collateral Motion”) [Dkt. 6].

WHEREAS, on August 2, 2022, the Sandy Hook Families filed their Objection to Debtor's Emergency Motion for an Interim and Final Orders (I) Authorizing the Use of Cash Collateral Pursuant to Sections 105, 361, and 363 of the Bankruptcy Code and Federal Rule of Bankruptcy Procedure 4001(B) and (II) Granting Adequate Protection to the Pre-Petition Secured Lender [Dkt. 27].

WHEREAS, on August 5, 2022, the Court entered the Interim Order Authorizing Debtor's Use of Cash Collateral and Providing Partial Adequate Protection (the "Interim Order") [Dkt. 41].

WHEREAS, on August 11, 2022, the Debtor filed its Emergency Motion to Amend Interim Order Authorizing the Use of Cash Collateral [Dkt. 55].

WHEREAS, on August 12, 2022, the Connecticut Plaintiffs filed their Objection to Debtor's Emergency Motion to Amend Interim Order Authorizing the Use of Cash Collateral [Dkt. 56].

WHEREAS, on August 12, 2022, the Texas Plaintiffs filed their Joinder to the Connecticut Plaintiffs' Objection to Debtor's Emergency Motion to Amend Interim Order Authorizing the Use of Cash Collateral [Dkt. 57].

WHEREAS, on August 12, 2022, the Court entered the Order Modifying Interim Order Authorizing the Use of Cash Collateral and Providing Partial Adequate Protection [Dkt. 64].

WHEREAS, prior to the Petition Date, the Connecticut Plaintiffs commenced state-court actions against the Debtor styled *Lafferty, et al. v. Jones, et al.*, Case No. X06-UWY-CV-18-6046436-S, in the Superior Court of Connecticut, Judicial District of Waterbury; *Sherlach v. Jones, et al.*, Case No. X06-UWY-CV-18-6046437-S, in the Superior Court of Connecticut, Judicial District of Waterbury; and *Sherlach, et al. v.*

Jones, et al., Case No. Xo6-UWY-CV-18-60464386-S, in the Superior Court of Connecticut, Judicial District of Waterbury.

WHEREAS, on July 31, 2022, the Connecticut Plaintiffs filed their Emergency Motion for Relief from the Automatic Stay (the “Emergency Motion”) [Dkt. 15].

WHEREAS, on August 17, 2022, the Debtor filed its Response to Emergency Motion for Relief from the Automatic Stay [Dkt. 78].

WHEREAS, a hearing on the Cash Collateral Motion and the Emergency Motion is set for August 24, 2022 at 10 a.m.

WHEREAS, the deadline to file exhibit and witness lists pursuant to LR-9013-2 is August 22, 2022 at 12:00 p.m.


WHEREAS, the parties agreed to extend the deadline to file exhibit and witness list until August 23, 2022 at 12:00 p.m. with a Stipulation and Agreed Order, which the Bankruptcy Court approved;

WHEREAS, the Parties are in still in discussions to reach a resolution on both the Cash Collateral Motion and the Emergency Motion and seek to conserve resources.

NOW, THEREFORE, IT IS STIPULATED BY THE PARTIES AND, UPON APPROVAL BY THE BANKRUPTCY COURT, ORDERED THAT:

1. The deadline to file an exhibit and witness list for the hearing on the Emergency Motion and the Cash Collateral Motion is extended to August 23, 2022 at 7:00 p.m.

Signed: August 23, 2022



Christopher Lopez
United States Bankruptcy Judge

STIPULATED AND AGREED ON AUGUST 23, 2022 BY AND AMONG:

THE CONNECTICUT PLAINTIFFS

_____/s/ Ryan E. Chapple
Ryan E. Chapple
State Bar No. 24036354
rchapple@cstrial.com
CAIN & SKARNULIS PLLC
303 Colorado Street, Suite 2850
Austin, Texas 78701
512-477-5000
512-477-5011—Facsimile

and

Randy W. Williams
State Bar No. 21566850
rww@bymanlaw.com
BYMAN & ASSOCIATES PLLC
7924 Broadway, Suite 104
Pearland, Texas 77581
281-884-9262

-and-

THE TEXAS PLAINTIFFS

_____/s/ Jarrod B. Martin
Avi Moshenberg
State Bar No. 24083532
avi.moshenberg@mhllp.com
McDOWELL HETHERINGTON LLP
1001 Fannin Street, Suite 2700
Houston, Texas 77002
P: 713-337-5580
F: 713-337-8850

and

Jarrold B. Martin
State Bar No. 24070221
jarrod.martin@chamberlainlaw.com
CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & AUGHTRY, PC
1200 Smith Street, Suite 1400
Houston, Texas 77002
T: 713-356-1280
F: 713-658-2553

-and-

FREE SPEECH SYSTEMS, LLC

_____/s/Kyung S. Lee
Raymond W. Battaglia
State Bar No. 01918055
rbattaglia@outlook.com
LAW OFFICES OF RAY BATTAGLIA, PLLC
66 Granburg Circle
San Antonio, Texas 78218
Tel: (210) 601-9405

and

Kyung S. Lee
State Bar No. 12128400
klee@shannonleellp.com
R. J. Shannon
State Bar No. 24108062
rshannon@shannonleellp.com
SHANNON & LEE LLP
700 Milam Street, Suite 1300
Houston, Texas 77002
Tel: (713) 714-5770

United States Bankruptcy Court
Southern District of Texas

In re:
Free Speech Systems LLC
Debtor

Case No. 22-60043-cml
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: Aug 23, 2022

User: ADIuser
Form ID: pdf002

Page 1 of 3
Total Noticed: 9

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ^ | Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 25, 2022:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | + Free Speech Systems LLC, 3019 Alvin Devane Blvd. STE 300, Austin, TX 78741-7417 |
| cr | + David Wheeler, et al., c/o Cain & Skarnulis PLLC, 303 Colorado Street, Suite 2850, Austin, TX 78701-4653 |
| cr | + Leonard Pozner, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774 |
| cr | + Marcel Fontaine, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin, Suite 2700 Houston, TX 77002-6774 |
| cr | + Neil Heslin, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774 |
| cr | + Scarlett Lewis, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774 |
| cr | + Travis County, c/o Jason A. Starks, P.O. Box 1748, Austin, TX 78767-1748 |
| cr | + Veronique De La Rosa, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774 |

TOTAL: 8

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|----------------------------|----------------------|---|
| cr | ^ MEBN | Aug 23 2022 20:09:14 | Texas Comptroller of Public Accounts, Revenue Acco, Christopher J. Dylla, P.O. Box 12548, Austin, TX 78711-2548 |

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|-----------------------|
| cr | | ADP TotalSource, Inc. |
| intp | | David Ross Jones |
| intp | | Shelby A Jordan |

TOTAL: 3 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 25, 2022

Signature: /s/Gustava Winters

District/off: 0541-4
Date Rcvd: Aug 23, 2022

User: ADIuser
Form ID: pdf002

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Total Noticed: 9

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 23, 2022 at the address(es) listed below:

| Name | Email Address |
|---------------------------|--|
| Avi Moshenberg | on behalf of Creditor Neil Heslin avi.moshenberg@mhllp.com ana.sanchez@mhllp.com |
| Avi Moshenberg | on behalf of Creditor Scarlett Lewis avi.moshenberg@mhllp.com ana.sanchez@mhllp.com |
| Avi Moshenberg | on behalf of Creditor Leonard Pozner avi.moshenberg@mhllp.com ana.sanchez@mhllp.com |
| Avi Moshenberg | on behalf of Creditor Veronique De La Rosa avi.moshenberg@mhllp.com ana.sanchez@mhllp.com |
| Avi Moshenberg | on behalf of Creditor Marcel Fontaine avi.moshenberg@mhllp.com ana.sanchez@mhllp.com |
| Christopher Dylla | on behalf of Creditor Texas Comptroller of Public Accounts Revenue Accounting Division bk-cdylla@oag.texas.gov, Sherri.Simpson@oag.texas.gov |
| Ha Minh Nguyen | on behalf of U.S. Trustee US Trustee ha.nguyen@usdoj.gov |
| Jarrod B. Martin | on behalf of Creditor Neil Heslin jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;ginger.davis@chamberlainlaw.com |
| Jarrod B. Martin | on behalf of Creditor Marcel Fontaine jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;ginger.davis@chamberlainlaw.com |
| Jarrod B. Martin | on behalf of Creditor Veronique De La Rosa jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;ginger.davis@chamberlainlaw.com |
| Jarrod B. Martin | on behalf of Creditor Scarlett Lewis jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;ginger.davis@chamberlainlaw.com |
| Jarrod B. Martin | on behalf of Creditor Leonard Pozner jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;ginger.davis@chamberlainlaw.com |
| Jason Starks | on behalf of Creditor Travis County bkecf@traviscountytexas.gov |
| Jayson B. Ruff | on behalf of U.S. Trustee US Trustee jayson.b.ruff@usdoj.gov |
| Joseph S.U. Bodoff | on behalf of Creditor ADP TotalSource Inc. jbodoff@rubinrudman.com |
| Kyung Shik Lee | on behalf of Debtor Free Speech Systems LLC kslee50@gmail.com Courtnotices@kasowitz.com |
| Melissa A Haselden | mhaselden@haseldenfarrow.com haseldenbankruptcytrustee@gmail.com;mhaselden@ecf.axosfs.com;haselden.melissaa.r104367@notify.bestcase.com |
| Melissa Anne Haselden | on behalf of Trustee Melissa A Haselden mhaselden@haseldenfarrow.com haseldenbankruptcy@gmail.com,haselden.melissaa.r104367@notify.bestcase.com |
| R. J. Shannon | on behalf of Debtor Free Speech Systems LLC rshannon@shannonpllc.com rshannon@shannonleellp.com;7044075420@filings.docketbird.com |
| Randy W Williams | on behalf of Creditor David Wheeler et al. rww@bymanlaw.com, rw13@trustesolutions.com;rw13@trustesolutions.net;rw11@trustesolutions.net;rww.trustee1@gmail.com |
| Raymond William Battaglia | on behalf of Debtor Free Speech Systems LLC rbattaglia@outlook.com rwbresolve@gmail.com |
| Ryan E Chapple | |

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on behalf of Creditor David Wheeler et al. rchapple@cstrial.com, apretnice@cstrial.com

Shelby A Jordan

on behalf of Interested Party Shelby A Jordan cmadden@jhwclaw.com

Stephen A Roberts

on behalf of Interested Party David Ross Jones sroberts@srobertslawfirm.com 1222805420@filings.docketbird.com

US Trustee

USTPRegion07.HU.ECF@USDOJ.GOV

TOTAL: 25